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5 **IN THE UNITED STATES DISTRICT COURT FOR THE**
6 **EASTERN DISTRICT OF CALIFORNIA**
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9 **REX CHAPPELL,**)
10) **CV F 96 5576 AWI DLB P**
11 **Plaintiff,**) **ORDER DIRECTING FURTHER**
12 **v.**) **PROCEEDINGS BEFORE**
13 **C/O DICKERSON,**) **MAGISTRATE JUDGE**
14 **Defendant.**) **re: DISCOVERY**
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16 On February 4, 2007, a telephonic trial confirmation conference was held in this case.
17 Among the issues raised at the trial confirmation conference is Plaintiff's motion for access to
18 case materials belonging to him that are not accessible to him because they are in storage or have
19 been lost or destroyed. Plaintiff also raised the issue that the whereabouts of a number of
20 potential witnesses have become unknown due to the passage of time.

21 The court has determined that the issues of limitations on Plaintiff's access to his case
22 materials, as well as the need to replace lost or destroyed materials with copies of court files
23 where possible, may require resolution before the case can proceed. The determination of the
24 necessity or advisability of further limited discovery, including limited discovery to resolve
25 Plaintiff's record access and witness location issues, as well as discovery issues raised by
26 Defendants, will be at the discretion of the Magistrate Judge.

27 The parties are directed to contact Magistrate Judge Beck to set a date for telephonic
28 conference to include all parties and to include the Prison Litigation Coordinator.

1 THEREFORE, it is hereby ORDERED that Defendants shall contact Magistrate Beck not
2 later than ten (10) days from the date of service of this order to set a telephonic conference to
3 resolve issues as discussed in this order and as deemed appropriate by the Magistrate Judge. The
4 Prison Litigation Coordinator shall attend the telephonic conference set pursuant to this order and
5 any other proceeding as deemed necessary by the Magistrate Judge.

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7 IT IS SO ORDERED.

8 **Dated: February 6, 2008**

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE